

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL**

September 1, 2015

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency

Call to Order

Members present: Mary Sessom, George Gastil, Jerry Jones, Jennifer Mendoza, and Racquel Vasquez.

Members absent:

City Staff present: Kathi Henry, Interim City Manager, Carol Dick, Development Services Director; Daryn Drum, Division Fire Chief; Mike James, Public Works Director; Lt. May, Sheriff's Department; Laureen Ryan Ojeda, Administrative Analyst; Rick Sitta, Fire Chief; Cathleen Till, Finance Director; and Michael Wapner, Associate City Attorney.

Public Comment

Kate Dexter Lemon Grove School Board President spoke about "D Approved."

Patty Steel from San Diego Mission Team spoke about youth issues, training workers, Summit 10/10 at Point Loma Nazarene and community responders.

John L. Wood commented on the maroon Maxima by the Optum Health Clinic on Central Avenue, the truck parked in a "no parking" area on the south side of Federal Boulevard and the semi-trailer by the VFW.

Mary Ann Merrell commented on feral cats and that she has tried getting assistance to remove them and has been unsuccessful.

Brenda Hammond commented that the Council Meetings are not televised and that neither drinking fountain on Lemon Grove Avenue is working.

Bennett Martinez commented on the skate park and volunteered to get involved in any skate park activities or planning.

1. Consent Calendar

A. Approval of City Council Minutes

August 4, 2015 Regular Meeting

- B. Ratification of Payment Demands**
- C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**
- D. Denial of Claim**
Edward and Jane Shroyer
- E. Denial of Claim**
Jessica Brown
- F. Approval of Third Amendment to the National Pollutant Discharge Elimination System Regional Storm Water Copermittee Memorandum of Understanding Board Member Appointment**
- G. Approval of Southern California Firefighters Benefit Trust**
- H. Approval of Mayoral Appointment to the Oversight Board of the Lemon Grove Successor Agency**
- I. City of Lemon Grove Semi-Annual Investment Report (January 1, 2015 – June 30, 2015)**
- J. Recognized Obligation Payment Schedule (January 1, 2016 – June 30, 2016)**
- K. Change Order No. 1 for the Palm Street and Golden Avenue Safe Routes to School Project**

Action: Motion by Councilmember Jones, seconded Councilmember Mendoza to approve the Consent Calendar passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015-3358: Resolution of the City Council of Lemon Grove approving the Third Amendment to the National Pollutant Discharge Elimination System Regional Storm Water Copermittee Memorandum of Understanding Board Member Appointment.

Resolution No. 2015-3359: Resolution of the City Council of Lemon Grove approving the Southern California Firefighters Benefit Trust.

Resolution No. 2015-3360: Resolution of the City Council of Lemon Grove approving Change Order No. 1 for Palm Street & Golden Avenue Safe Routes to School Project.

2. Crime Free Multi Housing Program

Laureen Ryan Ojeda presented results of the marketing effort asking for voluntary participation in the Crime Free Multi Housing Program.

Ms. Ojeda also mentioned that the County, through the Sheriff's Department, operates a Crime Free Multi-Housing program. As the City's contractor for law enforcement services, the City is eligible to access the Sheriff Department's program. The program is intended for communities that have four or more rental units—condo properties are not eligible to participate. The program allows the Sheriff's Department and property managers to work together to solve problems through training, inspections, and other tools designed to reduce criminal activity in and around the property. The program in Lemon Grove would be managed through the Crime Prevention Specialist assigned to the City and does not require an increase in our Sheriff's Service Contract.

A targeted mail marketing campaign was implemented during the month of June. Letters went out to rental communities with calls for service greater than four times the average. A total of 7 communities received letters asking for voluntary compliance with the program. Staff received zero response from these letters.

Based on the lack of response and discussions with the Sheriff's Department about their experience with a voluntary compliance model, voluntary compliance from high calls for service properties is unlikely to be successful. Additionally, this program only works in rental communities where there are on-site managers. The Lemon Grove Municipal Code does not require on-site managers regardless of the size of the rental property. |

Ms. Ojeda gave the following recommendations if the City Council wishes to continue the pursuit of crime free housing certification for rental communities, and presented the following options for City Council consideration: 1) Mail market all rental communities within the City regardless of number of calls for service to gain voluntary compliance; 2) Adopt an ordinance requiring on-site building managers for new rental communities with more than 6 units; 3) Adopt an ordinance making participation in the Crime Free Multi-Housing Program mandatory for any new rental communities with more than 6 units; 4) Provide direction for an ordinance making CFMH Program building design and maintenance criteria mandatory for developers building communities with greater than 6 units. Crime prevention through Environmental Design (CPTED) for example requires a minimum of dead bolts on all entry doors, anti-lift/slide devices on sliding doors and windows, 2.5"-3" screws on strike plate, proper trimming of trees and bushes and adequate security lighting. |

Public Speaker(s)

Brenda Hammond commented on Citronica I.

After discussion, the City Council directed staff to return with more voluntary ideas for participation in this program research the possibility of requiring on-site managers for units more than a duplex.

3. Ordinance No. 432 – Solar Permitting Efficiency Act Ordinance

Currently, the City of Lemon Grove approves small residential photovoltaic (PV) systems subject to a combination of building permits (project specific) which require supporting documents and after issuance, a variety of inspections. The Lemon Grove process has been rated "good"¹ by *Vote Solar* citing the only deficiencies as a lack of online permit access and faster turn-around time. Currently, all residential PV permits cost less than \$500.

In 2014, the California Legislature passed the Solar Permitting Efficiency Act to require cities and counties to adopt ordinances that implement best practices, outlined in the spring 2015 Second Edition of the Solar Permitting Guidebook.

Analysis:

The attached Ordinance updates the City's building permit process to comply with AB 2188 (Chapter 521, Statutes 2014) by:

- Restricting the cost increase that any City may impose.
- Publishing all documents and forms required by the City on the City website.
- Providing an expedited solar energy application submittal process available on the City website, email, or fax.
- Adopting a compliance checklist of all requirements.
- Limiting the installation inspections to one required inspection.

The Ordinance would require improvements to online access, including the availability of documents and submittal. Sample documents and checklists have been produced by the State and are available for revisions for local conditions. In addition, the City will need to develop a residential photovoltaic (PV) page for the City's website for easy access to documents and application forms. Online submittal will be made available to the public.

Limiting the number of required site inspections to one inspection is expected to reduce time and costs for the applicant. Although the method is still under study, a consolidated Fire and Building inspection may be considered. A system will be developed to provide adequate logistics and coordination between the two departments. Due to the already low cost of residential PV permits, no changes to the fee schedule are necessary.

¹ Vote Solar. (2015). Project Permit Database. Available from: <http://projectpermit.org/#muni=1058>.

The legislative intent is to encourage the installation of solar energy systems by removing obstacles to, and minimizing cost of, permitting for such systems. Adoption of this Ordinance is not expected to increase City costs or staff time.

This Ordinance is exempt from environmental review as per Section 15308 of the California Environmental Quality Act (CEQA) Guidelines, which exempts actions taken by regulatory agency for protection of the environment. This regulatory process provides procedures towards protection of the environment.

Action: Motion by Councilmember Gastil, seconded by Councilmember Jones, to introduce and conduct first reading of Ordinance No. 432:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Ordinance No. 432: An ordinance of the City Council of the City of Lemon Grove, California adding Chapter 15-33 to the Lemon Grove Municipal Code to provide an expedited, streamlined permitting process for small residential rooftop solar systems.

4. Ordinance No. 430 – Amending Chapter 8.24, Section 12.20.355, and Section 17.08.030 of the Lemon Grove Municipal Code to Incorporate Electronic Smoking Regulations

The City Council considered an ordinance that regulates electronic cigarette smoking in the same manner as tobacco regulation.

Public Speaker(s)

Lynda Barbour commented on her concern regarding definitions of words used in this Ordinance and for City Council to take a look at some of the definitions in the Ordinance.

Debra Kelley commented on technical concerns and definitions within the Ordinance.

Lorenzo Higley commented on the growth of middle and high school students who have tried electronic smoking devices and offered technical and legal assistance at no cost to the City and thanked the City Council and the City Attorney for working on this issue.

Action: Motion by Mayor Sessom, seconded by Councilmember Jones, to conduct second reading and adopt Ordinance No. 430:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Ordinance No. 430: An Ordinance of the City Council of the City of Lemon Grove, California amending Chapter 8.24, Section 12.20.355, and Section 17.08.030 of the Lemon Grove Municipal Code to Incorporate Electronic Smoking Regulations

5. Ordinance No. 431 – Lemon Grove Community Advisory Commission

The City Council considered an ordinance changing the Lemon Grove Municipal Code to re-task the Planning Commission into a Community Advisory Commission with permanent and temporary members. The City Council introduced and conducted the first reading of this ordinance on September 1, 2015.

On January 20, 2015 and during the goal-setting workshop, Councilmembers weighed in on expanded roles of former members of the Planning Commission in the future. The ideas shared achieve goals of increasing community involvement and obtaining more input on policy issues. The ideas also continue support for the focus group concept.

The matter returned to the City Council on May 5, 2015. The City Council approved a proposal to re-task the Planning Commission by adopting the format laid out on page 5 of the Staff Report as follows:

The Ordinance eliminates the Planning Commission. In the absence of a specific authorization in a local municipal code, state law assumes that the City Council will serve as the City's Planning Agency. However, staff will need to bring back further ordinance changes to reflect the change in governance for the various duties held by the Planning Commission.

The Ordinance sets up a Community Advisory Commission ("CAC"). The CAC is made up of three permanent and a variable number of temporary members. The number and makeup of the temporary membership would change based upon the need of citizen-members as determined on an issue-to-issue basis by the City Council.

The CAC would serve the role as either a Committee or Focus Group with the permanent members serving in the leadership positions for the Committee (*i.e.* Chair and Vice Chair of the overall committee or focus group and chairs of any sub-groups formed). The purpose would be to provide more stability to the Committee/Group with less reliance on staff to assume a leadership role.

The Community Advisory Commission consists of three permanent members who shall be residents of the City. By resolution, the City Council can appoint additional members that serve for a limited duration (temporary) to assist the permanent members in the study of issues assigned to the Community Advisory Commission by the City Council. Limited duration members can be residents, business owners or property owners within the City.

Permanent members of the Commission shall be appointed by the City Council and shall serve for a period of three years, or until reappointment or appointment of a successor. Temporary members of the Commission shall be appointed for a limited duration by resolution of the City Council that establishes the task to be studied by the Commission or by subsequent resolution. The temporary Commission members shall serve for the length of time designated in the Resolution of the City Council establishing the matter to be studied or as amended by subsequent resolution of the City Council.

The Commission shall have all of the powers and duties established by state law, ordinances and resolutions, which the Council may enact. The City Council, acting as the Planning Commission in all matters, may delegate to the Commission advisory functions on a case-by-case basis by Resolution. It is the duty of the Commission to advise the City Council upon the amendment or revision of the General Plan when requested by the City Council.

Pursuant to Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of CEQA. The action has no potential to cause either a direct change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Action: Motion by Councilmember Gastil, seconded by Councilmember Jones, to introduce and conduct first reading of Ordinance No. 431:

Ayes: Sessom, Gastil, Jones, Mendoza

No: Vasquez

Ordinance No. 431: An Ordinance of the City Council of the City of Lemon Grove, California amending and renaming Chapter 2.08 to eliminate the Planning Commission and establish the Community Advisory Commission in Chapter 2.08 of the Lemon Grove Municipal Code.

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))

Councilmember Jones commented that he attended the Chamber Roundtable and a meeting regarding the Ordinance in El Cajon.

Councilmember Mendoza attended a meeting regarding the Ordinance in El Cajon, the 50th Anniversary Celebration of the Voting Rights Act, the League of California Cities, Soroptimist

meeting, luncheon featuring Dr. Weber, Lemon Grove Library event, FAA informational meeting, East County Chamber of Commerce meeting, Lemon Grove Community Garden meeting, and commented on Helix High School

Councilmember Gastil attended the Los Angeles/San Diego/San Luis Obispo Rail Corridor Agency meeting by teleconference, the East County Economic Development meeting, Thrive Lemon Grove, 79th Assembly districts awards and commented on the school district receiving an award for high attendance.

Mayor Pro Tem Vasquez thanked everyone for their support during her recovery. Mayor Pro Tem Vasquez attended the Alcohol Policy Panel meeting.

Mayor Sessom attended the FAA informational meeting and also commented on the FAA website and the useful information regarding the update to flight patterns being implemented summer 2016. Mayor Sessom lectured on Safe Routes to School at SDSU Pre-orientation for Fulbright Scholars before they disburse to the various universities.

City Manager and Department Directors Report

Fire Chief Sitta commented that the fires in California have for the most part stopped; there are only four fires currently burning and all 15 firefighters have returned safely. There are 70 fires burning in Washington State and two chief officers have been sent to Washington to assist.

Lt. May commented on the Lemon Grove Avenue check-point that was set-up on August 14, 2015. 729 vehicles went through the check-point. Fifty were pulled into secondary, of those, 24 citations were given citations: 13 unlicensed drivers, 6 driving on suspended license, 3 did not have a drivers license in possession and 1 youthful provision license violation. Nine vehicles were impounded. No DUI's were issued. Lt. May also introduced Deputy Aguirre to the City Council. He mentioned that while there has been a lot of turn over recently at the Lemon Grove sub-station, he has 13 deputies assigned to the sub-station and many who are requesting this area.

Kathi Henry commented that the City Manager announcement closes this Friday, and the Lemon Grove newsletter is getting ready to be published in the coming month.

Closed Session

Conference with Legal Counsel – Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9) City of Lemon Grove, et al. vs. California Department of Finance, et al. 34-2013-80001480-CU-WM-GDS

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 8:00 p.m.

Susan Garcia

Susan Garcia, City Clerk